

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ANGELA D. TERRY,)
)
Plaintiff,)
)
vs.) Case No. 4:13-CV-1674-JAR
)
LEGAL ASSET FINANCIAL GROUP, LLC,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Angela D. Terry's Motion for Default Judgment and Request for a Hearing on Damages. (Doc. No. 5) Plaintiff previously obtained a Clerk's Entry of Default under Rule 55(a) on December 3, 2013. (Doc. No. 6)

This is an action for actual damages in excess of \$100,000, statutory damages, attorney's fees and costs brought by an individual consumer for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("the FDCPA"). Plaintiff is also seeking a remedy under Missouri state law for intentional infliction of emotional distress.

"When a default judgment is entered on a claim for an indefinite or uncertain amount of damages, facts alleged in the complaint are taken as true, except facts relating to the amount of damages, which must be proved in a supplemental hearing or proceeding." Larson v. Everyday Learning Centers, 242 F.3d 815, 818 (8th Cir. 2001) (citing Thomson v. Wooster, 114 U.S. 104, 111 (1885)). The Court finds it necessary to hold a hearing to determine the amount of damages. See Fed. R. Civ. P. 55(b).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for default judgment is set for hearing on **Friday, January 10, 2014 at 11:00 a.m. in Courtroom 12N**. Plaintiff shall be prepared at that

time to present all evidence necessary to prove the amount of damages and attorneys' fees and costs sought.

IT IS FURTHER ORDERED that Plaintiff shall file, on or before **January 3, 2014**, a proposed Order of Default Judgment, which shall include all appropriate findings of fact and conclusions of law.

Dated this 18th day of December, 2013.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE